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7	BEFORE THE
8	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS
9	STATE OF CONSUMER AFFAIRS  STATE OF CALIFORNIA
10	In the Matter of the Accusation Against: Case No. 2010-94
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12	DOLLY SINGH, AKA BALWINDER KAUR SINGH 3442 Pine View Drive A C C U S A T I O N
13	Simi Valley, CA 93065
14	Registered Nurse License No. 504138
15	Respondent.
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17	Complainant alleges:
18	<u>PARTIES</u>
19	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20	official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
21	Department of Consumer Affairs.
22	Registered Nurse License
23	2. On or about September 16, 1994, the Board issued Registered Nurse License Number
24	504138 to Dolly Singh, also known as Balwinder Kaur Singh ("Respondent"). The registered
25	nurse license was in full force and effect at all times relevant to the charges brought herein and
26	will expire on November 30, 2009, unless renewed.
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## **STATUTORY PROVISIONS**

- 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
- 5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.
  - 6. Code section 2761 states, in pertinent part:
  - "The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
  - "(a) Unprofessional conduct, which includes, but is not limited to, the following:
  - "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions."
  - 7. California Code of Regulations, title 16, section 1442, states:
  - "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."
  - 8. California Code of Regulations, title 16, section 1443, states:
- "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5."

9. California Code of Regulations, title 16, section 1443.5 states:

"A registered nurse shall be considered to be competent when he/she consistently demonstrates the ability to transfer scientific knowledge from social, biological and physical sciences in applying the nursing process, as follows:

- "(1) Formulates a nursing diagnosis through observation of the client's physical condition and behavior, and through interpretation of information obtained from the client and others, including the health team.
- "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and for disease prevention and restorative measures.
- "(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.
- "(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.
- "(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.
- "(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

## **COST RECOVERY**

10. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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(Incompetence)

- 11. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on May 25, 2007, while on duty as a registered nurse and performing laser hair removal treatments at Superior Aesthetics, Encino, California, Respondent committed acts constituting incompetence as defined in California Code of Regulations, title 16, sections 1443 and 1443..5, as follows:
- Prior to performing the laser hair removal treatment on I.R., Respondent failed to test a small area on I.R. for any reaction.
- b. Prior to performing the laser hair removal treatment on I.R., Respondent failed to evaluate skin type or obtain any medical history from I.R.
- c. Respondent unsafely increased the intensity of the joules from 27 to 31, resulting in burns to I.R.'s arms. Respondent failed to thoroughly explain to I.R. the possible side effects of an increase in intensity.
- d. Respondent failed to provide assistance to I.R. following the treatment. I.R. received an ice roller from the receptionist after she developed erythema and pain in both arms.

## SECOND CAUSE FOR DISCIPLINE

(Gross Negligence)

12. Respondent is subject to discipline pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, in that on May 25, 2007, while on duty as a registered nurse and performing laser hair removal treatments at Superior Aesthetics, Encino, California, Respondent committed acts constituting gross negligence as defined in California Code of Regulations, title 16, section 1442. The circumstances are as set forth in paragraph 11 and incorporated herein by reference.

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## **PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- Revoking or suspending Registered Nurse License Number 504138, issued to Dolly Singh also known as Balwinder Kaur Singh;
- 2. Ordering Dolly Singh also known as Balwinder Kaur Singh to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
  - 3. Taking such other and further action as deemed necessary and proper.

DATED: 8/19/09

LOUISE R. BAILEY, M.Ed., RA

Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs

State of California Complainant

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